

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
 PLAN AMENDMENT/REZONING REPORT**

► **FILE #:** 1-F-10-RZ

AGENDA ITEM #: 43

1-D-10-SP

AGENDA DATE: 1/14/2010

► **APPLICANT:** CITY OF KNOXVILLE

OWNER(S): VICTOR JERNIGAN

TAX ID NUMBER: 49 084,085,085.01&092.01 PT OF 093.01 ZONED SC-1, 092.03, 092.05, 092.06, 092.07

JURISDICTION: Council District 4

► **LOCATION:** North, south and west sides Washington Pike, north side McCampbell Dr., southwest and southeast of Murphy Rd.

► **TRACT INFORMATION:** 34 acres.

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Primary access to all properties is from Washington Pike, a minor arterial street with 20-35' of pavement width within 50-75' of right of way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek and Love Creek

► **PRESENT PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) and GC (General Commercial) / SC-1 (Neighborhood Shopping Center), C-3 (General Commercial) and C-4 (Highway & Arterial Commercial) with conditions

► **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / PC-1 (Retail and Office Park)

► **EXISTING LAND USE:** Vacant land and residential

► **PROPOSED USE:** Commercial

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of GC from adjacent property along McCampbell Dr.

HISTORY OF ZONING REQUESTS: Some of the subject parcels have been involved in plan amendments and rezonings before and after annexation into the City

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Vacant land / LDR and Stream Protection / A (Agricultural) and I (Industrial)

South: Residences / LDR / RA (Low Density Residential) and PR (Planned Residential)

East: Vacant land and house / LDR / A (Agricultural)

West: Vacant land / LDR / RP-1 (Planned Residential) @ 1-5 du/ac

NEIGHBORHOOD CONTEXT: This area is developed with a mix of residential, office and commercial uses under various City and County zoning districts.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #1-D-10-SP, amending the Northeast County Sector Plan to NC (Neighborhood Commercial) for parcels 84, 85 and 85.01 only, and recommend that City Council also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

The remainder of the subject parcels are already designated as NC on the sector plan, which should be retained. Neighborhood commercial is more appropriate for these parcels, all of which are in close proximity to residential uses.

- ▶ **RECOMMEND that City Council APPROVE SC-1 (Neighborhood Shopping Center) zoning, subject to 3 conditions. (Original request was for PC-1.)**

1. No clearing or grading of any portions of the sites shall occur prior to use on review development plan approval by MPC.
2. Parcels 92.03, 92.05, 92.06 and 92.07 shall be limited to C-3 uses, plus a self-service storage facility as a use permitted on review.
3. A full landscaping plan, a lighting and photometric plan, and architectural elevations of all buildings must be submitted as part of the use on review development plan package.

With the above conditions, the recommended SC-1 zoning will allow commercial development of the sites with required development plan approval by MPC prior to construction or disturbance of the land.

COMMENTS:

Neighborhood commercial is the most appropriate designation for these parcels, which are all in close proximity to residential uses. The original application listed GC (General Commercial) as the proposed plan designation, because it would be required to consider PC-1 zoning. But, the majority of the parcels are already designated as NC, which should be retained. SC-1 is an acceptable zoning district within the NC plan designation. SC-1 is also a planned zone that requires plan approval by MPC prior to any construction, similar to PC-1.

Knoxville City Council requested that MPC consider rezoning the subject parcels to PC-1, which required a sector plan amendment to GC. The City of Knoxville One Year Plan already proposes GC (General Commercial) uses for the sites, so no One Year Plan amendment was necessary. However, this area will likely be studied as part of the 2010 One Year Plan Update, which will be on MPC's March agenda. In looking at the PC-1 zoning, staff determined that the sites may be too small for PC-1 zoning. SC-1 is more appropriate for smaller sites, especially when in close proximity to residential uses. The PC-1 zone requires a 50 foot peripheral boundary setback and is recommended for sites of no less than 5 acres. The SC-1 zone has smaller setbacks and is appropriate for sites that are less than 5 acres. Only one of the subject parcels (the westernmost tract) is over 5 acres currently. Parcels would have to be combined to create tracts of larger than 5 acres. The general description of the SC-1 zone in the zoning ordinance is as follows: "This commercial district is intended for a unified grouping, in one (1) or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the neighborhood shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials."

SC-1, like PC-1, requires use on review approval of a development plan prior to any construction. The recommended condition above will also prevent any disturbance of the land prior to the plan approval. This will provide the opportunity for staff to review a plan and address issues such as traffic circulation, landscaping, layout, screening, drainage, lighting, building architecture and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

Some of the concerns that MPC staff will consider in reviewing development plans are lighting, noise, preservation of existing vegetation, installation of new landscaping/screening, hours of operation, traffic circulation and building architectural styles. All development should be planned in such a way to be as compatible as possible with surrounding residential uses.

State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two

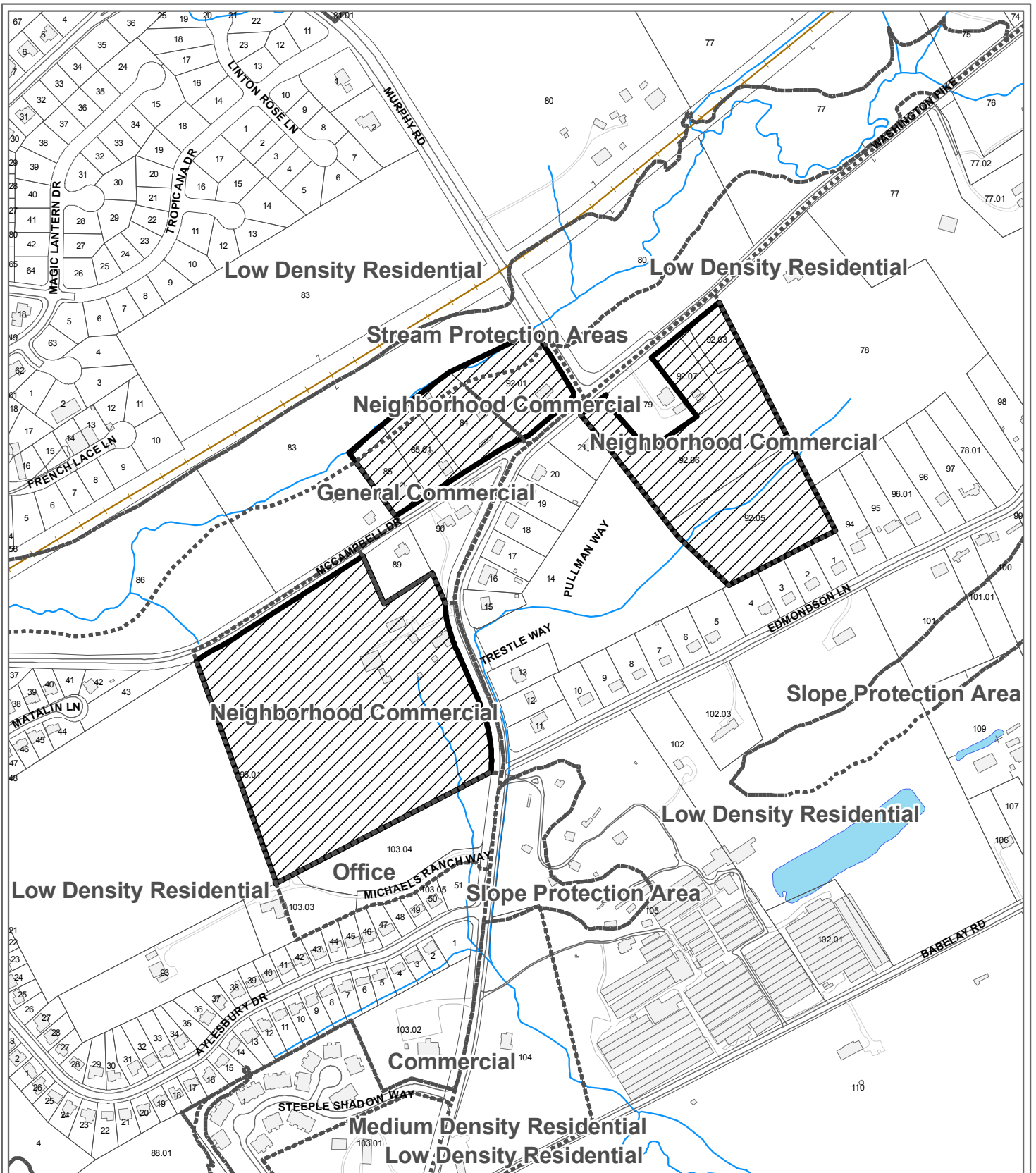
methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

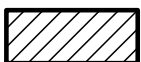
If approved, this item will be forwarded to Knoxville City Council for action on 2/9/2010 and 2/23/2010. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**1-D-10-SP / 1-F-10-RZ
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

From: NC (Neighborhood Commercial) and GC (General Commercial)

To: GC (General Commercial)



Original Print Date: 12/28/2009
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

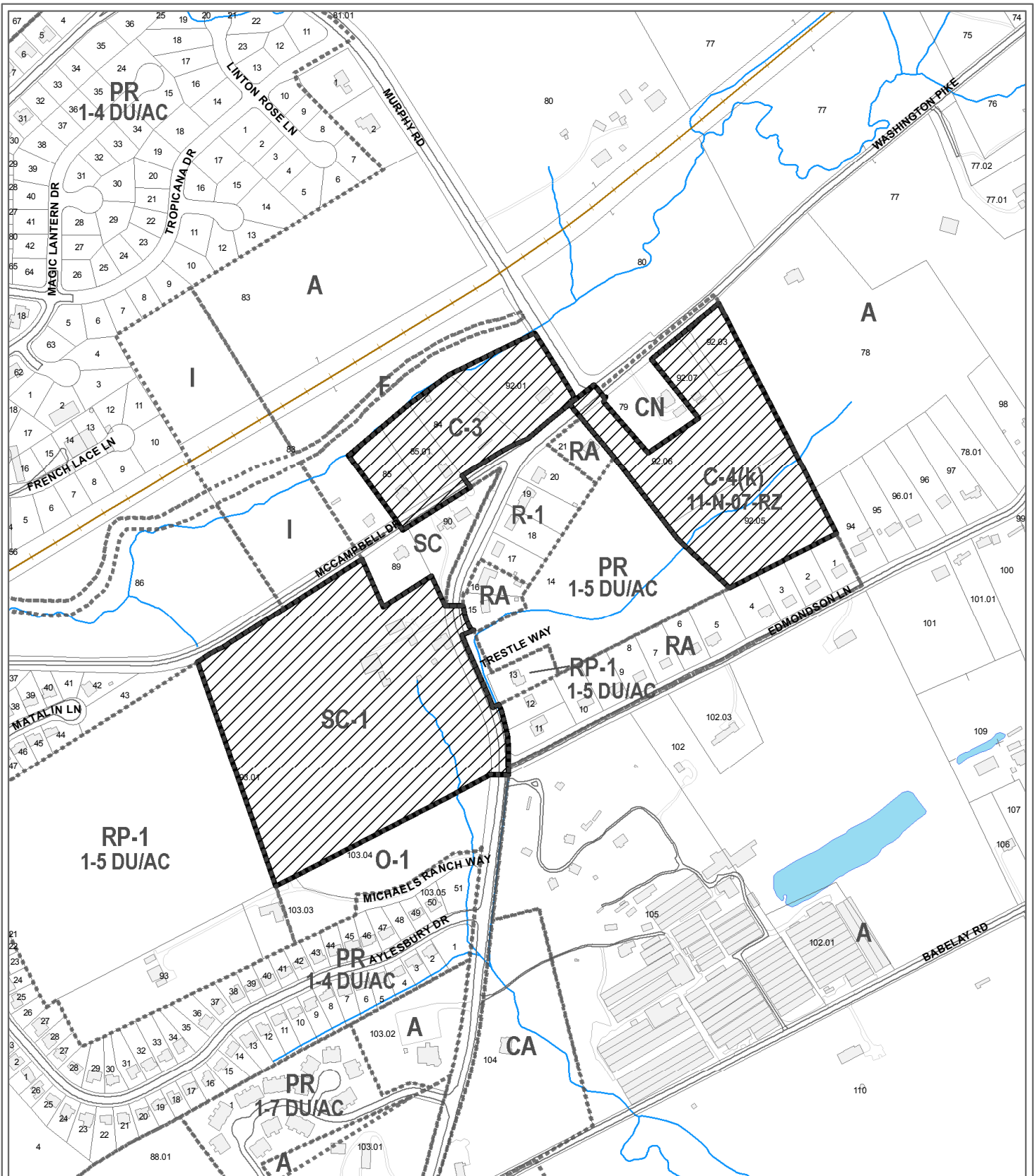
Petitioner: City of Knoxville

Map No: 49

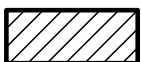
Jurisdiction: City

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1-F-10-RZ REZONING



From: SC-1 (Neighborhood Shopping Center), C-3 (General Commercial)
and C-4 (Highway & Arterial Commercial) with conditions
To: PC-1 (Retail and Office Park)

Original Print Date: 12/28/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: City of Knoxville

Map No: 49
Jurisdiction: City

0 500
Feet



**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHEAST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northeast County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, the City of Knoxville, has submitted an application to amend the Sector Plan from Neighborhood Commercial to General Commercial, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northeast County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on January 14, 2010, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northeast County Sector Plan, with its accompanying staff report and map, file #1-D-10-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knoxville City Council likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



FIRST CENTURY BANK

Today. Tomorrow. Together

P. O. Box 159 • 1780 North Broad Street, Tazewell, TN 37879 • Phone: (423) 626-7261 • Fax: (423) 626-1627
www.fcbtn.com

January 7, 2010

Knoxville-Knox County Metropolitan Planning Commission
Suite 403 City County Building
400 Main Street
Knoxville, TN 37902

Attn: Ms. Betty Jo Mahan

Re: January 14, 2009, MPC Agenda Item No. 43 (1-D-10-SP and 1-F-10-RZ)

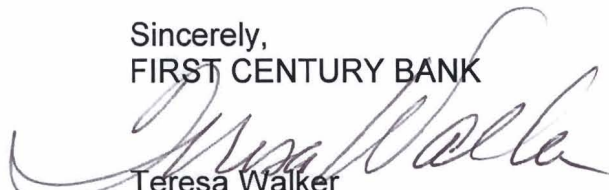
Dear Ms. Mahan:

With regard to the proposed rezoning of acreage located along Washington Pike as identified in Agenda Item No. 43 for the January MPC meeting, First Century Bank acquired ownership of approximately forty-two acres of the affected property by foreclosure sale approximately 30 days ago. The Bank has begun its analysis of how to best market the property, and would like an opportunity to review and understand the implications of the proposed sector plan change and rezoning as part of that analysis, and perhaps offer input to the Planning Commission, as a property owner.

This letter constitutes our request that the Plan Amendment and Rezoning Applications be postponed for a period of thirty (30) days, so that we can more fully participate in the process.

Thank you for your consideration.

Sincerely,
FIRST CENTURY BANK



Teresa Walker